

REMARKS

The Applicant appreciates the thorough review of the application by the Examiner. Reconsideration and allowance are requested.

No new matter has been added by the amendments. No new issues are raised by the amendments.

The amendments to the claims address the Examiner's objections to Claims 7, 23, 36 and 40 on page 2 of the recent Office Action. No new matter has been entered by these amendments.

By this Response, Claims 1, 5, 6, 10, 23 and 36 have been amended. Claim 11 has been canceled. Claims 1-10 and 12-42 remain pending, with Claims 1, 10 and 23 being independent claims.

All of the Claims are allowable.

Claims 1, 3-4 and 6 are patentable under 35 U.S.C. 102(b) over Pearce (US 6,189,489)

Independent Claim 1

Pearce discloses an animal feeding bowl that is attachable to the side of a wire enclosure. Regarding Applicant's amended independent Claim 1, Pearce does not disclose an extension having an enlarged, generally rectangular top surface that is larger than a generally rectangular base of the extension which is connected to the device to be mounted, wherein the enlarged, generally rectangular top surface and the generally rectangular base of the extension are both smaller in dimensions than the generally rectangular openings in a wire grid, so that when the entire extension is inserted through one of the generally rectangular openings in the wire grid until undercuts which form a gap are in the plane of the wire grid and the extension and device to be mounted are rotated roughly 45 degrees, one or more of the undercuts forming said gap

receive the wire grid, and the wire grid is locked into the undercuts between said top surface and said device to be mounted.

Since each and every element of independent Claim 1 is not disclosed, either expressly or by the principles of inherency, the rejection of Claim 1 under 35 U.S.C. 102(b) as being anticipated by Pearce is improper and should be withdrawn.

Dependent Claims 3-4 and 6

Dependent Claims 3, 4 and 6 depend from patentable Claim 1 and include further patentable limitations. For this reason, and for the reasons noted above regarding the rejection of independent Claim 1, the rejection of Claims 3, 4 and 6 under 35 U.S.C. 102(b) is improper and should be withdrawn.

Claims 10, 12-15, 21-27, 33-34, 36-37 and 39 are patentable under 35 U.S.C. 102(b) over Kennedy (US 4,914,856)

Independent Claim 10

Kennedy discloses a bait container made of plastic for crustacean traps. Regarding Applicant's amended independent Claim 10, Kennedy does not disclose: 1) pivotally connected halves (panel or door 58 in Kennedy is not a half of the cylinder), 2) openings in the halves, 3) raised regions on the top and bottom of at least on the cylinder halves, 4) protrusions and tabs on the top and bottom surfaces of the first and second halves, and 5) extensions on edges of the side surfaces opposite the edges with the hinges, each of said extensions having an enlarged top, a base connected to the side surface edge and undercuts beneath said enlarged top forming a gap adjacent said base for locking a wire grid between the enlarged top and the side surfaces.

Since each and every element of independent Claim 10 is not disclosed, either expressly or by the principles of inherency, the rejection of Claim 10 under 35 U.S.C. 102(b) as being anticipated by Kennedy is improper and should be withdrawn.

Dependent Claims 12-15 and 21-22

Dependent Claims 12-15 and 21-22 depend from patentable independent Claim 10 and add further patentable limitations thereto. For this reason, and for the reasons noted above regarding the rejection of independent Claim 1, the rejection of Claims 3, 4 and 6 under 35 U.S.C. 102(b) is improper and should be withdrawn.

Independent Claim 23

Kennedy has been discussed above. Independent Claim 23 includes limitations that are similar to the limitations recited in both independent Claims 1 and 10. Thus regarding Claim 23, Kennedy not only fails to disclose the limitations discussed above regarding the rejection of Claim 10, but also fails to disclose the limitations discussed above regarding the rejection of Claim 1.

Therefore, since each and every element of independent Claim 23 is not disclosed, either expressly or by the principles of inherency, the rejection of Claim 23 under 35 U.S.C. 102(b) as being anticipated by Kennedy is improper and should be withdrawn.

Dependent Claims 24-27, 33-34, 36-37 and 39

Dependent Claims 24-27, 33-34, 36-37 and 39 depend from patentable independent Claim 23 and add further patentable limitations thereto. For this reason, and for the reasons noted above regarding the rejection of independent Claim 23, the rejection of Claims 24-27, 33-34, 36-37 and 39 under 35 U.S.C. 102(b) is improper and should be withdrawn.

Claims 2 and 5 are patentable under 35 U.S.C. 103(a) over Pearce

Regarding Claim 2, the Examiner believes that it would have been obvious to make the "extension" 13-18 square shaped, because "applicant does not state that the extension being square shaped is critical to the operation of the invention (Office Action, p. 7, lines 16-17)." Applicant does not agree. First, it is clear from Applicant's disclosure that the square shape of the extension is very critical to the operation of Applicant's invention. It cannot work without being rectangular or square. And second, Pearce's device could not possibly work if the extension 13-18 was square. If the base 17 were square, the enlarged nut portion 13, 18 could not be screwed on to the base 17, to trap wire 12 in slot 20, and the device could not possibly operate as intended.

Regarding Claim 5, the Examiner believes that it would have been obvious to make the extension integrally molded with the device, because "applicant does not state that the extension being integrally molded with the device to be mounted is critical to the operation of the invention (Office Action, p. 7, lines 21-22)." Applicant does not agree. If the "extension" 13, 15, 17 and 18 were integrally molded with the device, as noted above, Pearce's device could not possibly work as intended, since the enlarged nut portion 13, 18 could not be screwed on to the base 17, to trap wire 12 in slot 20.

It is well established that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). See MPEP§ 2143.01(V). Thus for these reasons, and for the reasons noted above regarding the rejection of independent Claim 1, the rejection of Claims 2 and 5 under 35 U.S.C. 103(a) as being unpatentable over Pearce is improper and should be withdrawn.

Claims 35 and 38 are patentable under 35 U.S.C. 103(a) over Kennedy

Regarding Claim 35, the Examiner believes that it would have been obvious to make the "extension" 48, 50 square shaped, because "applicant does not state that the extension being square shaped is critical to the operation of the invention (Office Action, p. 12, lines 13-14)." Applicant does not agree. First, it is clear from Applicant's disclosure that the square shape of the extension is very critical to the operation of Applicant's invention. It cannot work without being rectangular or square. And second, it is not seen how Kennedy's device could possibly work if the extensions 48, 50 are square shaped.

Regarding Claim 38, the Examiner believes that it would have been obvious to make the extension integrally molded with the device, because "applicant does not state that the extension being integrally molded with the device to be mounted is critical to the operation of the invention (Office Action, p. 12, lines 18-19)." Applicant does not agree. It is not clear how the Examiner proposes that the wire hook structure of the "extensions" 48, 50 could possibly be integrally molded with the plastic bait container.

As noted above, it is well established that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). See MPEP§ 2143.01(V). Thus for these reasons, and for the reasons noted above regarding the rejection of independent Claim 23, the rejection of Claims 35 and 38 under 35 U.S.C. 103(a) as being unpatentable over Kennedy is improper and should be withdrawn.

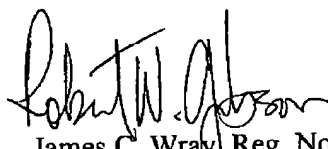
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The references to Abadie, Suddeth, and Bristow relied upon by the Examiner in rejecting dependent Claims have been carefully reviewed, however Applicant finds nothing therein which would overcome or supply that which is lacking in the basic applied prior art patents to Pearce and Kennedy.

CONCLUSION

Reconsideration and allowance are respectfully requested.

Respectfully,



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